

**WASHINGTON COUNTY COMMISSION MEETING**  
**MINUTES**  
**MAY 19, 2009**

The Regular Meeting of the Board of the Washington County Commission was called to order by Chairman James J. Eardley at 4:00 p.m. on May 19, 2009, in the Commission Chambers, Washington County Administration Building, St. George, Utah. Those in attendance were Commission Chairman James J. Eardley, Commissioner Dennis Drake, County Administrator Dean J. Cox, Deputy County Attorney David L. Patterson, and Deputy County Clerk Christine Hall. Commissioner Alan D. Gardner was excused, as he was out of town on County business.

*The Spectrum* was not represented at the meeting.

Commissioner Drake led the Pledge of Allegiance.

**AGENDA**

**CONSENT AGENDA:**

The Consent Agenda is a means of expediting routine matters which come before the Commission for approval. The Consent Portion of the agenda is approved by one (1) non-debatable motion. If any Commissioner wishes to remove an item from the Consent Portion of the agenda, then that item becomes the first order of business on the regular agenda.

- Consideration of Approval of Auditor-Approved Claims for Payment for May 6, 2009, through May 19, 2009
- Consideration of Approval of Regular Commission Meeting Minutes of April 21, 2009
- Consideration of Approval of Administrative Adjustments: Personal Property (attached)
- Consideration of Approval of Administrative Adjustments: Real Property (attached)
- Consideration of Approval of Applications for Property Tax Abatement (7): Howard & Bernice Hallman, Serial No. SG-CARC-B-24; Renee Kimball, Serial No. H-SCAN-2-A-17; Betina Lindsey, Serial No. S-KIN-A-2; Margaret Manazer, Serial No. SG-PACT-1-153; Nora Nelson, Serial No. SG-RBE-A-9-D-1; Joseph Rondo, Serial No. SG-SV-1-22; and Douglas Wardle, Serial No. I-ISBNH-8
- Consideration of Approval of Applications for Settlement or Deferral of Property Taxes (5): Devary Howe, \$5,618.53; Lynn & JoAnn Livingston, \$1,594.81; Jose Ramirez, \$2,980.83; Bradley Reber, \$1,963.76; and Rogers Construction/Richard Jason Rogers, \$19,450.56
- Acknowledgment of Publishing: Notice of Adoption of Ordinance No. 2009-973-O on May 16, 2009

**ACTIONS OF THE WASHINGTON COUNTY PLANNING COMMISSION  
MEETING /05-12-09**

**CONDITIONAL USE PERMIT EXTENSION.** Review extension to operate an aggregate processing plant and crushing operation in an existing grandfathered pit in the containing 22.39 acres, a portion of Section 32, T39S, R16W, SLB&M, generally located east of Veyo. Sunroc Corporation/Russell Leslie and Dana Truman, applicants.

This is an automatic annual review on a use within the A-10 zone under a grandfather clause, whereas the cinder pit was in existence since the zoning ordinance was adopted in 1972. The applicant has purchased the pit (22 acres) and is operating an aggregate processing plant/crushing operation onsite [County Code 10-18-2 Permit Required (amended 2008)]. Previously, the site plan showed the location of roads, stock piles, equipment and overhead power lines. If there are to be any employees on site, the applicant needs to provide sanitary facilities. The applicant reported that there were no complaints on this particular operation. *Unanimous decision to recommend approval for the period of one (1) year.*

**CONDITIONAL USE PERMIT EXTENSION.** Review extension for a racing event, St. George River Run ½ Marathon and 5k, September 5, 2009, beginning near Veyo, running through Gunlock past the gravel pit and ending at Ivins Unity Park. Blue Duck Racing/Bob Hermandson, applicant. *(Tabled April 14, 2009*

This is the second (2<sup>nd</sup>) extension on the event sponsored by the Blue Duck Racing Association. This is a ½ marathon (13.1 miles), and 5k (3.2 miles), with approximately three hundred (300) attendees listed under the special event coverage as reported previously. The applicant has advised staff that the run will begin at a location near Veyo, running through Gunlock and beyond the gravel pit, reservoir and through the Shivwits Indian Reservation and on to Unity Park in Ivins. The applicant has met with the County Sheriff's Department and will provide a copy of the agreement of service during this event. The Shivwits Indian representative previously granted approval for crossing the reservation. The applicant has updated the liability insurance policy listing Washington County as a beneficiary, and will provide the same amount of rest stops and porta-potties. Communications and emergency access should be addressed. These types of events are conditionally approved. The applicant said he has received many great comments on the event. Several porta-potties have been added at the start of the race. *Unanimous decision to recommend approval for the period of one year.*

**CONDITIONAL USE PERMIT EXTENSION.** Review extension to build a Fire Station/Office, adding another station in the Diamond Valley area, with the building being located at the southwesterly end of the valley, Lot D, Diamond Valley Acres - Phase 2 - Plat A. Derald Terry, agent.

This is an automatic annual review and a permit has not been issued as yet. The building official advised of the plan review having been started, and the permit may be issued next week. The Fire Station for the SWSSD was located within an existing water company building. These types of uses are conditionally approved within the RE-40.0 zone (County Code 10-8D-3). As previously reviewed, the fire district needs to expand, so they are proposing to build a structure southwest of the existing location on a platted parcel provided for community use, Track D in Diamond Valley Acres. Letters stating feasibility have been submitted from the Southwest Utah Public Health Department on the septic system, and culinary water is provided by the Diamond Valley Water Company. Mr. Terry indicated they have been waiting for funding from the State and those funds have finally been released, so he will pick up the building permit tomorrow. *Unanimous decision to recommend approval of the Conditional Use Permit Extension for another year.*

**CONDITIONAL USE PERMIT EXTENSION.** Review extension for a private recreation facility (Pavilion) for family reunions on Kolob, within the SFR-1 zone, generally located north of the Blue Springs Reservoir, Section 12, T39S, R10W, SLB&M. Sheila Dutton, applicant.

This is an automatic annual review on construction of a 38' x 60' pavilion for family reunions to be held during the summer months. Permit inspection reports showed that a foundation wall inspection was made on June 27, 2008. As previously reviewed, culinary water is provided by the Terrace Drive Mutual Water Company. They are building restrooms and a kitchen facility within the proposed pavilion. Private recreation facilities are conditionally approved within the SFR-1 (Seasonal Forest Residential 1 acre) zone (County Code 10-8B-4). The applicant showed photos of the structure. The building official indicated that an inspector would inspect the facility now that they are able to get to Kolob and update the inspection file. *Unanimous decision to recommend approval of the extension for another year.*

**PLAT AMENDMENT.** Consider plat amendment for Al Truman Subdivision (Amended), to split lot Seven (7) into two (2) lots hereafter known as lots 7A and 7B, Section 15, T39S, R15W, SLB&M, and 7B is a flag lot with a 25' easement, located on Sage Road in Pine Valley. Bob Herpel, agent. *(Tabled April 14, 2009)*

A public hearing was held on March 10, 2009, which was referenced by State Code, whereas notice of hearing to consider approval of a subdivision plat was sent by mail to property owners in this subdivision and to those within a proximity to the property as defined by local ordinance three (3) days before the hearing (17-27a-207(1)). This item was tabled at the previous meeting to allow applicant time to generate notations on the plat regarding fire protection and alternative waste disposal systems and a letter from the WCWCD authorizing an alternative system. Issues from the Public Works review have been addressed if additional notes on the plat include the square footage of home would

be limited to 3,600, with the fire flows that are available. As previously reviewed, the applicant has submitted an amended plat, showing septic test pit and results on the plat and previous notations requested, Al Truman Subdivision Amended, to create an additional lot 7B and adjust the south lot line on lot 4, by adding the width of a 25' staff road and expanding the size of lot 7B to meet the requirement of the Zoning Ordinance 13,500 square feet. The rest of the subdivision is to remain the same as shown on the original recorded plat. As previously reviewed, the applicant has submitted will-serve letters on power, phone, and water, plus a letter of septic feasibility from the Southwest Utah Public Health Department. Staff advises that this plat cannot officially be approved until the subdivision ordinance amendment on sewer system proposals is effective, which will delete the provision on alternative systems approved only in developments prior to December 9, 1997. The County Commission should approve the subdivision ordinance amendment on the 19<sup>th</sup> of May, with the ordinance becoming effective 15 days later. The applicant was informed that he could present the plat amendment at the regularly scheduled meeting on June 9<sup>th</sup>. The applicant wanted this item heard on the 14<sup>th</sup> of May, asking the planning commission to recommend approval on a "subject to" basis. *Unanimous decision to recommend approval, subject to the ordinance amendment and Staff making a call to the phone company to verify that they have no problem with abandonment of the easement.*

**PLAT AMENDMENT.** Consider plat amendment for Grassy Meadows Sky Ranch II - No. 3 Amended, consolidating lots 29, 30 and 31 from the original plat into one lot to be hereafter known as lot 30 and abandon any and all easements, located on 4230 South near Hurricane. LR Pope Engineers & Surveyors, agent.

Notice of hearing to consider approval of a subdivision plat was sent by mail to property owners in this subdivision and to those within a proximity to the property as defined by local ordinance three (3) days before the hearing (17-27a-207(1)). The submitted an amended plat for Grassy Meadows Sky Ranch II Subdivision 3<sup>rd</sup> Amended, to consolidate lots 29, 30 and 31 from the original plat into one lot to be hereafter known as lot 30 and abandon any and all easements. The rest of the plat is to remain the same as shown on the original recorded plat. The applicant did not have copies of letters from the power and phone company on the abandonment of the 10' utility easement. Public works engineer asked that plat be amended to show numeral addressing as used, instead of street names.

Motion made by Commissioner Everett to recommend approval, subject to utility letters being obtained and corrections being made to street addresses. *The motion carried on a split vote ( 5-1 approved)*

**MOTION:** Motion by Commissioner Drake to Approve Consent Agenda, as presented. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Drake voting aye.

**REGULAR AGENDA ITEMS FOR CONSIDERATION:**

**EMERGENCY SERVICES / CORY PULSIPHER**

Emergency Services Representative Cory Pulsipher reported that there have been three (3) Search and Rescue (SAR) call-outs since his last report. There was a medical assist in the Hurricane Sand Dunes area; an incident in Hurricane in which two (2) missing juveniles got separated from the rest of their party; and a body recovery of a mountain biker who died from overexertion and exposure in the Little Creek Area. These responses consisted of a total of fifty-five (55) man hours donated by volunteers in the past month. The Commission expressed appreciation for the County's SAR members.

**PURCHASE REQUEST(S) / TREVOR COOMBS**

Emergency Services (for Washington County) .....	\$ 200,231.40
Emergency Services (for Iron County) .....	17,414.00

These charges represent WMD federal grant funds for communications software and hardware for the Reverse 911 system from Dialogic Communications Corporation.

**MOTION: Motion by Commissioner Drake to Approve above Purchase Requests as presented. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Drake voting aye.**

*All purchases are budgeted, bonded, or paid for through grant funds.*

**PRESENTATION ON BEHALF OF THE SPECIAL OLYMPICS / GLEN BUNDY**

Mr. Bundy, representing the Special Olympics in Washington County, said that during the past year one athlete was sent to Boise, Idaho, to compete in the special games and won a gold medal. The County can now claim one athlete in the Hall of Fame for the first time ever (this is the highest award given). Participation in the Special Olympics has grown fifty-three percent (53%) since its inception. Mr. Bundy presented a Plaque of True Individuals to the Commission in appreciation for its support through the years.

The Special Olympics has been in existence since 1968, where it was begun in New York by the Shriver/Kennedy family.

**REQUEST FOR SCHOLARSHIP FUNDING FOR 58<sup>TH</sup> ANNUAL SESSION OF THE UNIVERSITY SCHOOL ON ALCOHOLISM AND OTHER DRUG DEPENDENCIES / NEAL SMITH, SOUTHWEST BEHAVIORAL HEALTH CENTER**

Mr. Smith has for the past several years coordinated scholarships between the Southwest Behavioral Health Center and Washington County for four (4) scholarships. For the amount of one thousand and seventy dollars (\$1,070.00), which is the cost for two (2) people, the County can provide scholarships for four (4) people.

**MOTION: Motion by Commissioner Drake to Approve the Request for Scholarship Funding for the 58<sup>th</sup> Annual Session of the University School on Alcoholism and Other Drug Dependencies, as presented. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Drake voting aye.**

**CONSIDERATION OF ORDINANCE NO. 2009-974-O, AN ORDINANCE AMENDING AND SUPERSEDING TITLE 11-5-1 OF THE WASHINGTON COUNTY CODE (IMPROVEMENTS)**

This has been a combined effort between the County and several other agencies: Ash Creek Special Service District (ACSSD), the Washington County Water Conservancy District (WCWCD), the Department of Environmental Quality (DEQ) and the Southwest Utah Public Health Department (SWUPHD). The County Commission approved a resolution on July 15, 2008, to expand Ash Creek Special Service District (ACSSD) boundaries. On January 20, 2009, the Washington County Water Conservancy District was approved as the service provider for the west end of the County, and those agreements were finalized on April 21, 2009. The agencies have been meeting together since March 12, 2009, to define the process standards used. Deputy County Attorney David L. Patterson said that this ordinance codifies the necessary coordination between the WCWCD and ACSSD.

**MOTION: Motion by Commissioner Drake to Adopt Ordinance No. 2009-974-O, An Ordinance Amending and Superseding Title 11-5-1 of the Washington County Code (Improvements). Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Drake voting aye.**

**CONSIDERATION OF RESOLUTION NO. R-2009-1339, A RESOLUTION APPROVING THE EXECUTION OF A CLIENT SERVICE AGREEMENT BETWEEN VITALITY SELECT, INC., AND WASHINGTON COUNTY TO PROVIDE TARGETED HEALTH SUPPORT AND OTHER HEALTH MANAGEMENT SERVICES AND PRODUCTS TO EMPLOYEES OF WASHINGTON COUNTY**

Washington County continually strives to control the costs of medical insurance, and this program, under the leadership of the Human Resources Department, promises to provide a valuable service to county employees.

**MOTION:** Motion by Commissioner Drake to Adopt Resolution No. R-2009-1339, A Resolution Approving The Execution Of A Client Service Agreement Between Vitality Select, Inc., And Washington County To Provide Targeted Health Support And Other Health Management Services And Products To Employees Of Washington County. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Drake voting aye.

**CONSIDERATION OF RESOLUTION NO. R-2009-1340, A RESOLUTION APPROVING THE EXECUTION OF A LICENSE AND SUPPORT AGREEMENT BETWEEN DIALOGIC COMMUNICATIONS CORPORATION AND WASHINGTON COUNTY TO OBTAIN SOFTWARE AND SUPPORT FOR REVERSE 911 IN WASHINGTON, KANE, AND GARFIELD COUNTIES, AND TO OBTAIN 20,000 MINUTES (10,000 PER YEAR FOR TWO YEARS) FOR IRON AND BEAVER COUNTIES TO USE IN ITS REVERSE 911 SYSTEM**

This resolution approves the execution of the license and support agreement for grant monies in support of the Reverse 911 System. The purchase order for this expense was approved earlier in this meeting by the Commission.

**MOTION:** Motion by Commissioner Drake to Adopt Resolution No. R-2009-1340, A Resolution Approving The Execution Of A License And Support Agreement Between Dialogic Communications Corporation And Washington County To Obtain Software And Support For Reverse 911 In Washington, Kane, And Garfield Counties, And To Obtain 20,000 Minutes (10,000 Per Year For Two Years) For Iron And Beaver Counties To Use In Its Reverse 911 System. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Drake voting aye.

**PUBLIC WORKS OR ROAD BUSINESS**

Washington County Public Works Director Ron Whitehead updated the Commission on several projects that are currently underway. The Virgin River project is finished, and the Tobin Wash project is finishing up today as debris near Gunlock is cleared away. Remaining is work to be done on the Santa Clara River near Gunlock.

**COUNTY DEVELOPMENT AND PLANNING BUSINESS**

No items were presented today.

**Request an Executive Session**

None.

There being nothing further to come before the Commission, the meeting was adjourned at 4:32 p.m.

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CHRISTINE S. HALL  
DEPUTY CLERK

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JAMES J. EARDLEY  
CHAIRMAN